

ATTACHMENT A

1 INSTRUCTION NO. 7
2

CONSPIRACY – KNOWLEDGE OF AND ASSOCIATION WITH OTHER CONSPIRATORS

3 A conspiracy may continue for a long period of time and may include the performance of many
4 transactions. It is not necessary that all members of the conspiracy join it at the same time, and one may
5 become a member of a conspiracy without full knowledge of all the details of the unlawful scheme or
6 the names, identities, or locations of all of the other members.

7 Even though a defendant did not directly conspire with other conspirators in the overall scheme,
8 the defendant has, in effect, agreed to participate in the conspiracy if the government proves each of the
9 following beyond a reasonable doubt:

- 10 (1) the defendant directly conspired with one or more conspirators to carry out at least one of the
11 objects of the conspiracy;
12 (2) the defendant knew or had reason to know that other conspirators were involved with those
13 with whom the defendant directly conspired; and
14 (3) the defendant had reason to believe that whatever benefits the defendant might get from the
15 conspiracy were probably dependent upon the success of the entire venture.

16 It is not a defense that a person's participation in a conspiracy was minor or for a short
17 period of time.

18 A company's employees cannot conspire only amongst themselves. However, if someone
19 inside the company agrees with someone outside the company to rig bids at the foreclosure auctions,
20 that is an unlawful bid-rigging conspiracy.